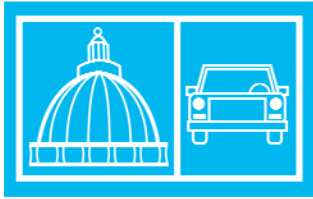


ADMINISTRATIVE SERVICES



FLEET & SURPLUS

Agenda of the Motor Vehicle Review Committee

Tuesday, June 10, 2008
Utah State Capitol Complex
Room W025
Salt Lake City, Utah
10:00 AM

Approval of Minutes of March 10, 2008	Tab 1
DFO's Role, Customer Service and Compliance	Tab 2
Trip Log	Tab 3
Telematics Study	Tab 4
Driver Eligibility Update	Tab 5

Motor Vehicle Review Committee



March 10, 2008

MINUTES

Motor Vehicle Review Committee Members in attendance:

Kim Hood, Chair
Doug Richins
Greg Sheehan representing Dennis Carver
Roxie Huntsman
Robin Erickson
Scott Harding
Kevin Walthers
Doug McCleve

Fleet Operations and Guests in attendance:

Margaret Chambers	Division of Fleet and Surplus Services
Sam Lee	Division of Fleet and Surplus Services
Amanda Ronan	Division of Fleet and Surplus Services
Cerena Crosby	Division of Fleet and Surplus Services
Shawn Hess	Division of Fleet and Surplus Services
Scott Bingham	Division of Fleet and Surplus Services
Brian Fay	Division of Fleet and Surplus Services
Sal Petilos	Department of Administrative Services
Kimberlee Willette	Governors Office of Planning and Budget
Kristin Phillips	University of Utah
Dave Rees	University of Utah
Bret Burgon	Division of Risk Management
Greg Husband	Department of Public Safety
Charlene Whitehead	Mountainland Applied Technology Center
Marlene Seedall	Department of Workforce Services
William Shiflett	Department of Technology Services

On Monday, March 10, the Motor Vehicle Review Committee held their regularly scheduled meeting in W140 State Capitol Complex, Salt Lake City, Utah. Chair Kim Hood called the meeting to order at 10:07 a.m.

1. Approval of Minutes for December 10, 2007

Chair Hood asked if there were any corrections that needed to be made to the minutes.

MOTION: Doug Richins moved to approve the minutes from December 10, 2007.

The motion passed unanimously.

2. Accident Review Committee Change Proposal.

Sam Lee stated that this is a repeat from the December 10, 2007 meeting. We are now coming back with a new recommendation. We are asking for a centralized Accident Review Committee which would meet if the individual agency Accident Review Committee is not meeting. There is a time line set and if the Agencies do not meet then the centralized Accident Review Committee would meet to determine preventable, non-preventable status and make recommendations to the Agency of potential disciplinary action. We have noted in paragraph two that we would notify the agencies Human Resource Department and make sure the agencies management is aware of any recommendations and disciplinary action.

Robin Erickson asked who would be on the centralized Review Committee. Sam Lee stated it would be in rule but we would recommend Administrative Services, Risk Management, Fleet Operations, and Human Resource Management.

Sal Petilos asked if he expected participation from the Agency who is not meeting. Sam Lee stated he didn't think they would participate in the centralized since the reason the centralized committee is looking at the accident is because the Agency did not hold their meeting and missed the deadline. If the individual driver wanted to come to the meeting we could be open to that. But if the agency accident review committee is not functioning we do not anticipate the agencies participating since they are functional.

Doug Richins asked if the agency committee or agency director be notified if the agency does not take action and the accidents are routed to the central accident committee. Sam Lee stated the accidents needed to be reviewed in a timely manner and that is what is driving this issue. We will definitely notify the agency that we are meeting on their behalf.

MOTION: Robin Erickson moved to approve to have Fleet Operations and Risk Management work together to revise their rules to include a centralized Accident Review Committee. Robin also asked that Fleet Operations bring with them to the next meeting who will be on the Accident Review Committee.

The motion passed unanimously.

3. Driver Eligibility

Sam Lee stated this has been on the mind of Fleet for a long time. We have been in discussions with Risk Management and we have been partnering with them. I would like to recognize Brian Nelson with Risk Management who has worked closely with us on this proposal today. This proposal is to modify our current rules to deal with drivers who are high risk in a sense that their driving has put them in a different category of risk. We have made some new recommendations as far as driver's license points. The first sections talks about violations. Employees with four or more violations within 12 months would become ineligible to drive. We have looked at industry standards. This is not as stringent as the private sector. Next you see a reference to points and this is the drivers license divisions point standard. Anything over 150 points would put you ineligible to drive. We set it at 150 points because you can go and take a defensive driver class and have 50 points taken off of your record.

Doug Richins asked if it is necessary to have both the four tickets in twelve months and the 150 points. Because wouldn't you have 150 points if you had four tickets? Sam Lee stated more than likely someone with four tickets would have 150 points, but if someone received four speeding tickets they could have 140 points. Four violations within a twelve month period we consider high risk behavior if you don't reach 150 points. Our thinking was someone with a lead foot may or may not reach the 150 point total, but they are receiving moving violations in short period of time.

Doug Richins then suggested moving the points to 140 to capture those who receive four tickets in a twelve month period. Sam Lee stated yes that should take care of it.

Sam Lee then moved onto the Automatic Driver Ineligibility Violations for State Drivers. These violations would automatically make a driver ineligible for a three year time period.

Kevin Walthers asked how do we get some flexibility or appeals process in here. We kind of have it with the 150 points or the four moving violations. I don't want to set a policy that is so rigid that we don't have a chance as managers to make decisions. Sam Lee deferred to Brian Nelson with Risk Management to answer the question. Brian Nelson stated there is a provision in the Fleet Operation rules for a Driver Privilege Review Board. Brian recommended that the board be expanded to allow hearing or a review process for an employee who faces ineligibility. That would be a process available to an employee. This allows agency management to participate in the process for an employee who is facing termination because of ineligibility.

Doug Richins asked what Refusal to take a test required by an implied consent or similar law means. Sam Lee stated his understanding is at the time a driver is pulled over and they refuse to take the drug and/or alcohol test. Refusing to take the test is a violation in itself. Doug McCleve stated if someone is pulled over under suspicion of impaired driving and they refuse to take the test it is automatic disqualification of their driver's license. Doug Richens then asked if it is the only implied consent or implied law that

applies. It just seems overly broad. Sam Lee stated the administrative rule would help clarify that. We would create better language for the rule to help explain it better.

Doug Richens asked if all of the automatic ineligibly violations apply even if they are not driving a state vehicle? Sam Lee stated that is correct. Public Safety does not hand these out very often and we consider these violations are extremely high risk. We chose these specific items as a one and done as the standard and if you receive one you are ineligible to drive for three years. This is already in rule R37-1-8 (6c). Since this is a Risk Management rule I will defer to Brian Nelson. Brian Nelson stated this is a provision that applies to all agencies covered by Risk Management. Currently with our rule there is not a time limit on how long a driver will be ineligible. We are working with Fleet to ensure our rules are the same and we will be adding the three year ineligibility to our rule. Scott Harding asked for clarification. If someone works for the state and receives a DUI they can never drive a state vehicle. Brian Nelson responded yes, that is what rule R37-1-8 states. We intended to change that rule. We do want recognition that people do clean up their record and want them to be able to drive after they do clean up their record.

Greg Sheehan stated the data indicated ninety-seven state employees would be ineligible under the new rule, and ninety of those have a current driver's license. That tells me that the state has deemed only seven of those are ineligible to drive on state roadways. We are making the determination that the other ninety are ineligible. Are we going to far to say the ninety are ineligible even though their licenses are valid. I know with Natural Resources ninety percent of our workforce drive as part of their job and if take away their driving privileges we would put them into a termination mode. We do not have very many sedentary office workers. It worries me that we are making the decision that ninety of them cannot drive. Sam Lee responded we are talking about a very small group of people that would be ineligible. When you consider that we are only making ninety-seven out of the seventeen thousand operators we have ineligible it's a very small percentage. What we are taking about today is raising our standard. The private sector is much more stringent than what we are proposing today. We are raising the bar in our eligibility. Brian Nelson stated to consider looking prospectively at the points. It would be a due process problem if we look at this retroactively. We should look at what accumulates one year after the effective date.

Robin Erickson stated she was from the private sector and looked long and hard at the eligibility. It is a happy medium, and maybe a little to lax. Does the appeal status for the driver show in R37-1-8? Sam Lee stated there is not an appeal process in the current rule, but there is a Driver Eligibility Committee in the accident rule, which we will go over later.

Scott Harding stated that the concern for employees and education for help of an employee. The question would be what type of education process is done before an employee goes to work? Is there training so the employees understand how important the penalties can be by making certain choices? Sam Lee responded there is a new employee orientation with the state, currently there is nothing in place, but we could incorporate the training into the new employee orientation. Risk may have new hire training. Brian

Nelson responded in rule an employee who is driving a state vehicle as part of their essential job function must take the defensive driving course every year. Those who do not drive frequently have to take it every three years. We are currently in the process of creating a training that will incorporate many of the things we are taking about. Again it is in the developmental stage.

Chair Hood asked out of the violations which automatically make a driver ineligible some of them are more clear then others that they should be an automatic ineligibility. You'll be setting up an appeals process in your rule, correct? Sam Lee stated that was correct. Chair Hood then asked if it was creating the Driving Privilege Review Board or is that already in place. Sam Lee stated it will be the Driving Eligibility Review Board.

Doug Richins stated it is good to have an appeals process. I don't think an appellate can overrule something that is in rule. If it states in rule that these things are an automatic disqualification of your driving privilege a Review Board will not be able to overrule it. I suggest we should change the wording to may disqualify the employee, and a determination could be made if it does disqualify the driver. Then the appellate would have the authority to overturn the disqualification.

MOTION: Doug Richins moved to change the wording on the Automatic Driver Ineligibility Violations for State Drivers from The following list of violations would automatically disqualify a state employee to the following list of violations may disqualify a state employee. That gives the appeals committee the ability to change the disqualification.

Motion passed unanimously.

Robin Erickson asked if the driver notifies anyone if they receive a speeding ticket. Sam Lee stated they are not required, they are only required to notify their manager if they receive a DUI. Robin Erickson stated so you only know if someone has a ticket when you pull their driving record once a year. Sam Lee stated we pull that weekly.

Greg Sheehan asked if the rule would clarify that the 150 points issue will begin as the effective date of the rule. Sam Lee stated that is the intention.

MOTION: Doug Richins moved to make changes under the Motor Vehicle Standards section. Delete the Moving Violations. State employees with four or more moving violations within the previous 12 months will automatically be declared ineligible to drive a state vehicle. Then under the Point Totals change the 150 points to 140 points in both places.

Motion withdrawn since Fleet Operations does not have a problem pulling both tiers of information.

Chair Hood asked what the current standard is to drive a state vehicle. Sam Lee stated the Risk rule states if you receive a DUI, you are ineligible to drive a vehicle for life.

The defensive driver class must be taken. There is a point system for large passenger vans and the preventable accident rule.

Doug Richins asked how Fleet Operations would become aware if a driver received one of the eight ineligibility violations. Margaret Chambers responded we run the drivers license validation weekly and those violations show on that report.

Roxie Huntsman asked for clarification on the Preventable Accident History. It states employees involved in three or more accidents within a three year period will automatically be declared ineligible. Is the rule changing from five years to three years? Sam Lee stated yes that is our intention.

Doug McCleve stated concerns about the automatically be declared ineligible. It should also be changed to may be declared ineligible.

MOTION: Doug McCleve moved to change the wording for the Preventable Accident History State employees involved in three or more preventable accidents within a three year time period ~~will automatically~~ may be declared ineligible to drive a state vehicle. Motion seconded by Roxie Huntsman.

Motion passed unanimously

Doug Richins stated the threshold for the Risk Management reserves the right to declare a state driver ineligible if there are significant personal injuries as a result of the accident and/or damage to the vehicle(s) involved in the accident totaling more than \$1800.00 is a very low sum of money. Sam Lee stated Risk Management has backed away from that.

MOTION: Kevin Walthers moved to remove the paragraph Risk Management also reserves the right to declare a state driver ineligible after a single preventable accident if there are significant person injuries as a result of the accident and/or damage to the vehicle(s) involved in the accident totaling more than \$1,800. Also remove the whole section on Driver Ineligibility Penalties: Agencies will be informed by the Department of Administrative Services (through the Division of Fleet Operations) when drivers become ineligible to operate a state vehicle. Agencies that knowingly continue to allow ineligible drivers to operate state vehicles shall take full responsibility to cover all expenses including liability up to the current Utah governmental liability caps as a result of an accident caused by the ineligible driver. In summary the agency loses all insurance coverage from Risk Management when they knowingly allow an ineligible driver to operate a state vehicle.

Sam Lee asked if he could make a comment before the committee voted on the motion. Chair Hood gave Sam Lee the floor. Sam Lee stated Fleet Operations needs some ability to enforce this rule. That is why we are coming to you to decide what is appropriate. If you take this away that is our enforcement. If you choose to take that away, you need to come up with another way to help us enforce this.

Kevin Walthers stated that Fleet Operations has access to a cabinet member who has access to the other cabinet members to enforce the rule.

SUBSTITUTE MOTION: Doug Richins moved to substitute the current motion by taking out the wording Risk Management also reserves the right to declare a state driver ineligible after a single preventable accident if there are significant personal injuries as a result of the accident and/or damage to the vehicle(s) involved in the accident totaling more than \$1800.00. Then leave the first line of the Driver Ineligibility Penalties as is. Remove the second line Agencies that knowingly continue to allow ineligible drivers to operate state vehicles shall take full responsibility to cover all expenses including liability up to the current Utah governmental liability caps as a result of an accident caused by an ineligible driver. In summary the agency loses all insurance coverage from Risk Management when they knowingly allow an ineligible driver to operate a state vehicle. Seconded by Kevin Walthers.

Motion passed with Robin Erickson opposing the motion.

Scott Harding asked if the Motion that was just passed will still give Fleet Operations the ability to enforce the rule. Sam Lee stated it does not. Margaret Chambers stated these policies are currently not in place, and we do need them. The reason we are looking for these policies is we currently have situations in the State where an Agency Accident Review Board has not taken away driving privileges that Fleet Operations feel should be taken away and have not been able to do that. We are looking for a way to deal with situations that are currently happening.

Kevin Walthers stated to turn the enforcement portion over to Risk Management.

Doug Richins stated he brought up the last motion because he thought the language should be in the insurance policy Risk Management has with the agency, not with Fleet Operations and the agency. Margaret Chambers stated that is exactly why we wanted it in both places. We have been working with Risk Management to be the compliance of that. Fleet Operations pays the insurance premiums to Risk Management and then charge them back in our rate. The insurance policy is between Fleet Operations and Risk Management except where an agency owns their vehicles.

Chair Hood stated in an earlier vote we helped create a centralized Accident Review Committee when agencies were not performing that function. Under that committee they can make the determination to make a driver ineligible to drive based on accidents. Sam Lee stated they determine potential discipline up to and including suspension. Chair Hood then stated we are looking at creating an appeal process and a Driving Privilege Review Board under this recommendation correct? Sam Lee stated we are calling it Driver Eligibility Committee. It is yet to be determined if the Driver Privilege Review Board and the Driver Eligibility Committee will be combined. Chair Hood asked if that boards work will determine eligibility based on different types of violations. Sam Lee stated correct. Chair Hood stated that now you are saying that after all of those processes

have occurred you want to take their insurance away from them. Sam Lee stated that agencies that have drivers with multiple accidents yet are doing nothing about it are not being addressed. That is what is driving this. Chair Hood stated if we create this board and have an appeals process in place isn't the penalty to take their driving privilege away from them. You're saying that is not enough, we need to be able to take the insurance away as well. If the past is any indication of the future, the agencies will continue to let the driver drive and we can say their suspended or they do not have driving privilege agencies typically will not do anything without a penalty.

Doug Richins asked for Fleet Operations to bring back new language for the next meeting. Margaret Chambers stated Fleet Operations will come back with due process for the next meeting. She also mentioned this is in our policies that would state the insurance would be lost. Risk Management already has the ten thousand dollar rule that has not been used. Fleet Operations will start using that. We can take it out of our policy, since Risk Management will have it in their policy.

Chair Hood stated she would like to have the language changed to add due process. I guess we would be passing out this recommendation short of including language on Risk Management and the penalties. What impact does that have? Sam Lee stated it gives us less enforcement. What we are looking for today is your direction to continue coming up with this rule. Do you want it to stop today, or do you want us to continue to work on it?

MOTION: Doug Richins motioned to enable Fleet Operations to come back with suggested rule that incorporates much of what they have included today and come back with language in a rule format that includes due process. Seconded by Doug McCleve.

Motion passed unanimously.

4. Energy Efficiency Progress/Direction

Margaret Chambers stated she wanted to give an update to our energy efficiency. I want to give you the results of our exercise of having the vehicles justified. Out of the 530 vehicles that will be replaced this year 85 of them had a size reduction based on the process we put in place. The savings were shown in the Motor Vehicle Review Committee packet.

Chair Hood asked if action was required on this item. Margaret Chambers stated there was not any action needed.

5. Definitions in Administrative Rule R27-1-2

Margaret Chambers stated during the last meeting we discussed some definitions in rules and are now coming back with what you have said. Sam Lee stated that last time there was some confusion between Margaret and myself. In the top section there is a statement correction. The bottom section is what we are now coming back to you with. The

changes can be found in the Motor Vehicle Review Committee packet. We are asking you to approve the changes to the definitions.

MOTION: Greg Sheehan moved to approve the changes as presented. Seconded by Kevin Walthers.

Motion passed unanimously.

6. Moving the Preventive Maintenance Schedule to 5,000 and 7,500

Sam Lee stated the major vehicle manufacturers are moving their preventative maintenance intervals to 5,000 and 7,500 miles. We want to take advantage of that and have the savings to the state by not having to maintain our vehicles at the current interval of 3,000 and 5,000 miles. We are proposing to adopt what the manufacturers are already making their standard.

Doug Richins asked what is considered preventative maintenance. Sam Lee stated the oil change and filter, brakes, air filter, and tire rotation.

Scott Harding asked where are you basing your information off of. Sam Lee stated it is out of the owners manual. Scott Harding stated on extreme duty vehicles 7,500 miles is way too long to wait for maintenance. Sam Lee stated the extreme duty vehicles would be 5,000 miles not 7,500 miles.

MOTION: Robin Erickson motioned to move the preventative maintenance schedule to 5,000 miles for extreme duty vehicles and to 7,500 miles for light duty vehicles where the manufacturers have increased the interval schedule. Seconded by Scott Harding.

Motion passed unanimously.

7. Continuing the GPS Pilot Program

Sam Lee stated Fleet Operations has been piloting the GPS for an about a year. We are looking into how we can use GPS technology as a benefit to the state. Under the background section I have listed reasons we use GPS. We have looked at what the private industry is doing; they are using GPS as a tool for fleet management. We have also been studying those same benefits. We have seen the benefits. It is amazing how a driver who is speeding on a regular basis changes his habits once he is informed there is a GPS in his vehicle. We have seen changes based on this. For the most part drivers are not aware the GPS is in their vehicle. We are trying to gather a baseline to go against once we notify the drivers they are in the vehicles. The cost is \$500.00 per unit for hardware and \$30.00 per month for cell service. The industry studies show there is a return on investment from reduced fuel and reduced accidents. Those are where the big savings come from. Fleet Operations is excited about what GPS can do, there is an initial

cost and the ongoing service, but the industry shows a positive return where costs are made up.

Kevin Walthers asked if the unit only works if the car is on. Sam Lee stated the unit is only on when the vehicle is on. Kevin Walthers asked if the car was parked and turned off would we be able to track where the vehicle is located. Sam Lee stated when the unit is turned off it pings its location. Kevin Walthers then stated \$30.00 per month sounds very expensive. Will the price come down when more units are purchased? Sam Lee stated currently we have a small amount of GPS units, so we are not receiving the discounted price. If we do implement this fleet wide the costs would come down. Kevin Walthers On-Star is that same price and this does not give us two way communications. Before we go fleet wide can we investigate a satellite based system where our employees could have two way communications if they were to breakdown. Sam Lee stated Fleet Operations would not be opposed to looking into that.

Greg Sheehan stated he has talked to his Executive Director about the GPS. There is more selling that needs to be done on Fleet Operations part before Natural Resources is going to accept it. It seems like Fleet Operations wants to charge their customers more per month to know what customers are doing. To me the approach has been completely backwards. You should have come to the agencies and stated we have GPS do you have a use for them, instead of just putting them on vehicles without telling anyone and spying on agencies.

Doug McCleve stated we have had discussions at Public Safety about the GPS issues. Most patrol cars in the state have GPS tracking available. The Commissioner of Public Safety has made a commitment to our employees that GPS will not be used as a "big brother" or watching tool. I don't know what the reason would be for not letting someone know a GPS is installed on their vehicle.

Robin Erickson stated it is interesting to listen to the points given. My use of the GPS system is in school busses. It is working very well in the busses. It is being used for two reasons. Reducing idling reduces the fuel costs and pollution. Hopefully the benefits outweigh the negative. Anything is good if you don't look at the negative. I'm over here looking at all of the positives not even thinking about the negatives.

Doug McCleve stated there may be exceptions in state government. Law enforcement needs to be considered. There are not good people out there. I have been threatened to be killed. We need to see who access to the system. It is not a positive thing to have our top law enforcement officials being able to be seen on GPS. I don't want it to be perceived that I'm against GPS. We just need to take into consideration all of the impact.

Kevin Walthers stated we are trying to get our employees to take state vehicles. In my mind adding GPS to the vehicles will give our employees another excuse not to take the state vehicle. This also comes back to Fleet Operations being a customer service agency not an enforcement agency. How do we contain this information so there are only certain people who see the results. In Fleet who are assigned to see the report. Is there a way for

it to be automated where it sends the information straight to the Director. I'm also concerned about the costs. I do not want to see our rates go up as a result of this. It sounded like there would not be a rate increase because of the savings.

Chair Hood asked why was it important that it was a secret where the GPS units were being installed? Why didn't you sit down with the agency Directors and ask them if they would like to have the GPS piloted in their vehicles? Why wasn't it more open?

Margaret Chambers responded the implementation didn't roll out the way we intended it to roll out. The reason we put the GPS units in because many of the private fleets are installing them. There is an immediate 30% reduction in fuel used and 30% overtime costs when the GPS unit is installed. It wasn't a secret that we were putting GPS units in the vehicles, the secret was which vehicles we were installing them in. We asked our Fleet Managers to let everyone know we were installing GPS, and that we only had a limited number of units to install. We wanted the big impact of everyone thinking it could be in their vehicle. We wanted the mass reduction of fuel, and people slowing down without having to install on every vehicle. We did have some oops happen as we did the implementation. It was communication all of the way down. We delegated the install to say the new vehicles that are being issued, randomly install GPS in them. We happen to put them in the higher management of Public Safety and if we would have thought about it, it wouldn't have happen. Our intent was not to be "big brother". We tried to roll it out several times that the GPS was installed. We have some agencies coming to us asking for GPS to be installed so they can watch certain employees. Our intent was to have the benefits of it without spending the dollars.

Chair Hood asked if Fleet would be able to achieve those same benefits if the drivers understand the GPS unit is in their vehicle. Margaret Chambers stated we have found out that when drivers do find out the GPS is in their vehicles, their driving changes. Chair Hood stated so there is really no reason not to let everyone know. Margaret Chambers stated there is not any reason to let everyone know. Sam Lee added the reason we did not let people know which vehicles they were in is because we are trying to get a baseline of what the driver is doing according to their normal behavior and then compare that to after they are told the GPS is in their vehicles.

Chair Hood stated you currently have fifty units, Sam Lee corrected the number to twenty five. Chair Hood asked if the proposal today was to expand the number of GPS units. Margaret Chambers said we would like to expand, but we also need to come up with procedures and develop policies for using the GPS.

Greg Sheehan asked if the pilot works well would Fleet install them on all state vehicles. Would it be a standard issue item? Sam Lee stated that is potentially where we are heading. We are still looking at the benefits. I'm not sure I'm ready to say that. Greg Sheehan said to have GPS on the Natural Resources vehicles would be \$270,000 a year you would need to show real factual data to show we would be saving more than \$270,000 a year and achieving other things that are deemed valuable for the state. This is a cabinet level decision Director Hood should be talking to the cabinet members. This has been taken from the bottom up and should have been taken from the top down.

Robin Erickson stated what is nice about a test program you can establish a baseline before you go live. It sounds like you have a test going. You can take your test which shows the positive side of it, the reduced idling, fueling, and accidents. If your test does not show benefits and savings, then you do not go on with it. Do the baseline and the pilot and bring it back and say either, yes we showed benefits, or no it wasn't.

Doug McCleve asked if there was a time period where you test before you notify the driver that there is a GPS in their vehicle, or do you only notify them if they are doing something wrong? How do you determine your baseline? Sam Lee responded that is currently how we are operating. We have put them out into the fleet randomly and we have only identified and told the agency if the driver has had a problem. What we are proposing here is to expend it to a specific agency with about fifty units and tell the agency in six months that GPS was installed and we would be able to look at the baseline compared to the data after the agency is informed. What we are offering here is a cost savings. That is what is driving. If there is not a cost savings then we are not interested. The studies point to a cost savings, and that is what we are going on. Doug McCleve asked how many units do you need and how long do you need them to conduct your pilot program to make your assessment. Sam Lee proposed fifty units for six months. Chair Hood stated the pilot has been going for a year with twenty five units. How many of the original twenty five units installed know they have GPS in their vehicle? Sam Lee stated six or seven out of the twenty five. Chair Hood asked if we take those twenty five and inform everyone they have the GPS then we could gather data for six months and see if it changes their behavior. Sam Lee stated we could but I would like to target a specific group and try to do a more scientific study then what we have done now. We've just put it out there to see what kind of data we would get back. Now I want to do a more specific study on a specific group.

Robin Erickson stated that the temperature is going to change, I don't think six months isn't long enough. Why not let them know. Is it because you are concerned whether or not they will drive the vehicle once they find out GPS is installed. Sam Lee stated I want to know if they are going to idle less, if they are going to speed less, and if they are going to drive fewer miles. Robin Erickson stated if you let them know it will offset that. Sam Lee stated I know, but I do not have a baseline. Robin Erickson said a year prior you already know your baseline with miles traveled and their gasoline consumption. So now you can take the GPS and do gasoline, miles, maintenance, and then do idling. Idling should be able to be figured out by gallons. Then it is a positive you're not watching where they are traveling.

Doug McCleve asked if there is any data from any other studies as to what the baseline should be timeline wise, and at what point we advise someone whether it is cost effective? Or are you going by your own assessment. I'm just wondering if there is a standard for the baseline and process? Sam Lee stated there is not anything specific. We just want to know if you are okay with us moving forward with the pilot and having a formal study of whether this is a good idea or not.

Kevin Walthers said to set up a control study. Set up eight site managers with GPS and eight without. The eight without would be your control. If you have 5500 vehicles with GPS that is \$2,000,000 which is seven percent of your budget. That would be hard to recover just through gas savings. We need to have a goal of what we want out of it at the end.

Chair Hood asked Fleet to come up with strict guidelines and a timeline for your pilot. Seek the advice of the committee members to look at measurements are important and maybe not wait until the next meeting, but circulate a memo with the guidelines and seek feedback from the committee members in the interim. Margaret Chambers stated lets do that and have a formal plan in place for the next meeting. Robin Erickson also asked for a pricing structure to be included.

MOTION: Doug McCleve motioned to allow Fleet Operations to move forward with their pilot program. Expand up to twenty five additional units. Prepare guidelines, a timeline, and units of measurement and process those through the committee and bring back a formal presentation for the next meeting. Seconded by Roxie Huntsman.

Motion passed with Greg Sheehan opposing the motion.

MOTION: Doug Richins motioned to adjourn.

Motion passed unanimously.

Chair Hood adjourned the meeting at 12:37 p.m.



Motor Vehicle Review Committee

State of Utah

Jon M Huntsman, Jr.
Governor

Kimberly Hood
Executive Director
Department of Administrative Services

4120 State Office Building
Salt Lake City, Utah 84114
Phone (801) 538-3014
Fax (801) 538-1773

MEMORANDUM

To: Motor Vehicle Review Committee
From: Margaret Chambers
Date: June 10, 2008
Subject: **Compliance and Customer Service Roles**

The MVRC committee understands the dual roles of the Division of Fleet Operations.

Background:

There are two items in DFO statute that may appear to be in conflict:

- (g) emphasize customer service when dealing with agencies and agency employees;
- (h) conduct an annual audit of all state vehicles for compliance with division requirements;

The division role of compliance was emphasized in an audit by the Legislative Auditor General's office in 2005 where they made the following statement:

The ***Utah Code*** provides DFO with adequate authority to provide the controls and accountability to effectively manage the state fleet. ***Utah Code*** 63A-9-401(1) states that the division shall perform all administrative duties and functions related to management of state vehicles. DFO has focused on both providing customer service and giving state agencies the tools to manage state vehicles that agencies lease or own. However, DFO needs to more assertively require agency accountability while providing customer service to effectively manage the state fleet.

Each employee in DFO knows when they are providing a service or in a compliance role. Some of the compliance functions are:

- Collect meter information
- Driver complaints
- Underutilization
- Report cards
- Take home vehicles
- Driver eligibility
- Recall
- Preventative maintenance
- Energy efficiency
- Licensing and registration

Accident Management

When we are wearing our compliance hat – the perspective is from the taxpayer, the Legislature or the Governor. To manage the fleet in the most cost efficient manner.

When we are wearing our customer service hat – we bend over backwards to meet the needs of the agency. Our role is to understand their needs, their business and provide the flexibility to work with them to negotiate a fair solution.

If the customer feels they are being treated unfairly we want to work with the agency to learn about their needs and modify our policies if necessary. A recent example is the Natural Resources extreme vehicle use. A DNR vehicle has many more dings and scratches than a vehicle that does not leave paved roads. We've gone to St. George, Blanding and Provo to discuss the issues with the customers and listen to their concerns and have made changes based on their input.

If we had to say which role is more important, we would say that we first respond to the taxpayer and the people's interest and secondarily we have a customer service role. Our management philosophy is to balance the compliance and the customer service roles.



State of Utah

Jon M Huntsman, Jr.
Governor

Kimberly Hood
Executive Director
Department of Administrative Services

4120 State Office Building
Salt Lake City, Utah 84114
Phone (801) 538-3014
Fax (801) 538-1773

Motor Vehicle Review Committee

MEMORANDUM

To: Motor Vehicle Review Committee
From: Sam Lee
Date: June 10, 2008
Subject: **Take Home Trip Log (first and last trip of the day)**

Recommendation:

The Motor Vehicle Review Committee approve the following language in Administrative Rule R27-3-7(2):

(2) The trip log must be created for the first and last trip of the day for all take-home vehicles. Trip log data for the first and last trip of the day must be documented by the agency at least monthly in the DFO fleet information system.

Background:

On the agenda of the Motor Vehicle Review Committee (MVRC) meeting held December 10, 2007 was the review of Administrative Rule R27-3. Many changes to the rule were discussed by the MVRC including the issue of “trip logs” for all take home vehicles. Specifically, R27-3-7(2) was approved by the committee to say the following:

(2) The trip log must be created for the first and last trip of the day for all take-home vehicles.

Administrative Rule R27-3 is currently in the public review process with the Division of Administrative Rules and will likely be approved as recommended above by the MVRC. However, the new requirement to document the “first and last trip of the day” has prompted the following questions to the Division of Fleet Operations (DFO):

1. Is it DFO’s responsibility to provide an electronic trip log program on its web page for leasing agencies because it is a required task of the leasing agency in administrative rule?
 - i. Back in December of 2007 it was the intention of DFO to partner with the Department of Corrections and piggy back on the trip log program they had already developed. The option to use the Corrections trip log program

is no longer available to DFO.

2. Will agencies keep accurate trip logs if DFO doesn't develop a system for all agencies to use?
3. If agencies use "paper and pencil" trip logs or spreadsheets will be data be available and useful when there are questions about take home use?
 - i. Should DFO's information system be the designated data storage point for trip logs, even if the agency develops their own "trip log" program?
4. Does DFO have a financial incentive to ensure trip logs and the taxable fringe benefit
5. associated with some take home vehicles are documented appropriately?
 - i. IRS rules state the owner of the vehicle (DFO) can be assessed up to \$4,500 of a \$5,000 fine when the driver/agency with a take home vehicle is not paying the appropriate tax on the commute fringe benefit associated with a take home vehicle.

DFO was recently asked for the trip log of a particular state driver with take home vehicle authority because of suspected abuse of the take home privilege. DFO had to refer the question back to the agency as the data is not currently captured in the DFO fleet information system.

Attachment

R27-3-1. Authority and Purpose.

(1) This rule is established pursuant to Section 63A-9-401(1)(c)(ii) and Section 63A-9-401(1)(c)(viii), which authorize the Division of Fleet Operations (DFO) to establish the requirements for the use of state vehicles, including business and personal use practices, and commute standards.

(2) This rule defines the vehicle use standards for state employees while operating a state vehicle.

R27-3-2. Agency Contact.

(1) Each agency, as defined in Subsection 63A-9-101(a),(b) and (c), shall appoint and designate, in writing, a main contact person from within the agency to act as a liaison between the Division of Fleet Operations and the agency.

R27-3-3. Agency Authorization of Drivers.

(1) Agencies authorized to enter information into DFO's fleet information system shall, for each employee, as defined in section 63-30d-102(2), Utah Governmental Immunity Act, to whom the agency has granted the authority to operate a state vehicle, directly enter into DFO's fleet information system, the following information:

- (a) Driver's name and date of birth;
- (b) Driver license number;
- (c) State that issued the driver license;
- (d) Each Risk Management-approved driver training program(s) taken;
- (e) Date each driver safety program(s) was completed;
- (f) The type vehicle that each safety program is geared towards.

(2) Agencies without authorization to enter information into DFO's fleet information system shall provide the information required in paragraph 1 to DFO for entry into DFO's fleet information system.

(3) For the purposes of this rule, any employee, as defined in section 63-30d-102(2), whose fleet information system record does not have all the information required in paragraph 1 shall be deemed not to have the authority to drive state vehicles and shall not be allowed to drive either a monthly or a daily lease vehicle.

(4) To operate a state vehicle, employees, as defined in section 63-30d-102(2), whose names have been entered into DFO's fleet information system as authorized drivers shall have:

(a) a valid driver license for the type and class of vehicle being operated;

(b) completed the driver safety course required by DFO and the Division of Risk Management for the type or class of vehicle being operated; and

(c) met the age restrictions imposed by DFO and the Division of Risk Management for the type or class of vehicle being operated.

(5) Agencies shall develop and establish procedures to ensure that any individual listed as an authorized driver is not allowed to operate a state vehicle when the individual:

(a) does not have a valid driver license for the type or class of vehicle being operated; or

(b) has not completed all training and/or safety programs required by either DFO or the Division of Risk Management for the type or class of vehicle being operated; or

(c) does not meet the age restrictions imposed by either DFO or the Division of Risk Management for the type or class of vehicle being operated.

(6) A driver license verification check shall be conducted on a regular basis in order to verify the status of the driver license of each employee, as defined in section 63-30d-102(2), whose name appears in the DFO fleet information system as an authorized driver.

(7) In the event that an authorized driver is found not to have a valid driver license, the agency shall be notified, in writing, of the results of the driver license verification check.

(8) Any individual who has been found not to have a valid driver license shall have his or her authority to operate a state vehicle immediately withdrawn.

(9) Any employee, as defined in section 63-30d-102(2), who has been found not to have a valid driver license shall not have the authority to operate a state vehicle reinstated until such time as the individual provides proof that his or her driver license is once again valid.

(10) Authorized drivers shall operate a state vehicle in accordance with the restrictions or limitations imposed upon their respective driver license.

(11) Agencies shall comply with the requirements set forth in Risk Management General Rules, R37-1-8 (3) to R37-1-8 (9).

R27-3-4. Authorized and Unauthorized Use of State Vehicles.

- (1) State vehicles shall only be used for official state business.
- (2) Except in cases where it is customary to travel out of state in order to perform an employee's regular employment duties and responsibilities, the use of a state vehicle outside the State of Utah shall require the approval of the director of the department that employs the individual.
- (3) The use of a state vehicle for travel outside the continental U.S. shall require the approval of the director of the employing department, the director of DFO, and the director of the Division of Risk Management. All approvals must be obtained at least 30 days from the departure date. The employing agency shall, prior to the departure date, provide DFO and the Division of Risk Management with proof that proper automotive insurance has been obtained. The employing agency shall be responsible for any damage to vehicles operated outside the United States regardless of fault.
- (4) Unless otherwise authorized, the following are examples of the unauthorized use of a state vehicle:
 - (a) Transporting family, friends, pets, associates or other persons who are not state employees or are not serving the interests of the state.
 - (b) Transporting hitchhikers.
 - (c) Transporting acids, explosives, weapons, ammunition, hazardous materials, and flammable materials. The transport of the above-referenced items or materials is deemed authorized when it is specifically related to employment duties.
 - (d) Extending the length of time that the state vehicle is in the operator's possession beyond the time needed to complete the official purposes of the trip.
 - (e) Operating or being in actual physical control of a state vehicle in violation of Subsection 41-6-44(2), (Driving under the influence of alcohol, drugs or with specified or unsafe blood alcohol concentration), Subsection 53-3-231, (Person under 21 may not operate a vehicle with detectable alcohol in body), or an ordinance that complies with the requirements of Subsection 41-6-43(1), (Local DUI and related ordinances and reckless driving ordinances).
 - (f) Operating a state vehicle for personal use as defined in R27-1-2(30). Generally, except for approved personal uses set forth in R27-3-5 and when necessary for the performance of employment duties, the use of a state vehicle for activities such as shopping, participating in sporting events, hunting, fishing, or any activity that is not included in the employee's job description, is not authorized.

(g) Using a state vehicle for personal convenience, such as when a personal vehicle is not operational.

(h) Pursuant to the provisions of R27-7-1 et seq., the unauthorized use of a state vehicle may result in the suspension or revocation of state driving privileges.

R27-3-5. Personal Use Standards.

(1) Personal use of state vehicles is not allowed without the direct authorization of the Legislature. The following are circumstances where personal use of state vehicles are approved:

(a) Elected and appointed officials that receive a state vehicle as a part of their respective compensation package, and have been granted personal use privileges by state statute.

(b) Sworn law enforcement officers, as defined in Utah Code 53-13-103, whose agencies have received funding from the legislature for personal use of state vehicles.

(c) In an emergency, a state vehicle may be used as necessary to safeguard the life, health or safety of the driver or passenger.

(2) An employee or representative of the state spending at least one night on approved travel to conduct state business, may use a state vehicle in the general vicinity of the overnight lodging for the following approved activities:

(a) Travel to restaurants and stores for meals, breaks and personal needs;

(b) Travel to grooming, medical, fitness or laundry facilities; and

(c) Travel to and from recreational activities, such as to theaters, parks, or to the home of friends or relatives, provided said employee or representative has received approval for such travel from his or her supervisor.

(d) Pursuant to the provisions of R27-7-1 et seq., the unauthorized personal use of a state vehicle may result in the suspension or revocation of state driving privileges.

R27-3-6. Application for Commute or Take Home Use.

(1) Each petitioning agency shall, for each driver being given commute or take home privileges, annually complete and submit ~~an either a completed and agency approved commute form (MP-2) to DFO, or complete the proper~~ online take home form from the DFO website. Submitted take home information will generate a new form that must be signed by the employee, direct supervisor of the employee, and the executive director of the agency.

~~(2)~~ Approval for commute or take home privileges must be obtained from the executive director of the agency

~~(2)(3)~~ Once the signed take home form is received and approved by DFO shall enter the approved commute or take home request will be entered into the fleet information system and provide an identification number to both the driver and the agency via the fleet information system or through secured web reports provided by DFO.

~~(3)(4)~~ All approvals for commute or take home privileges shall expire at the end of the calendar year on which they were issued and DFO shall notify the agency of said expiration. Agencies shall be responsible for submitting any request for annual renewal of commute or take home use privileges.

~~(4)(5)~~ Commute use is, unless specifically exempted under R27-3-8, infra, considered a taxable fringe benefit as outlined in IRS publication 15-B. All approved commute use drivers will be assessed the IRS imputed daily fringe benefit rate while using a state vehicle for commute use.

~~(5)(6)~~ For each individual with commute use privileges, the employing agency shall, pursuant to Division of Finance Policy FIACCT 10-01.00, prepare an Employee Reimbursement/Earnings Request Form and enter the amount of the commute fringe benefit into the payroll system on a monthly basis.

R27-3-7. Criteria for Commute or Take Home Privilege Approval.

(1) Commute or Take Home use may be approved when one or more of the following conditions exist:

(a) 24-hour "On-Call." Where the agency clearly demonstrates that the nature of a potential emergency is such that an increase in response time, if a commute or take home privilege is not authorized, could endanger a human life or cause significant property damage. ~~In the event that emergency response is the sole purpose of the commute or take home privilege, Each~~ each driver is required to keep a complete list of all call-outs ~~on the monthly DF-61 form~~ for renewal of the take home privilege the following year. Agencies may use DFO's online forms to track commute or take home mileage.

(b) Virtual office. Where an agency clearly demonstrates that an employee is required to work at home or out of a vehicle, a minimum of 80 percent of the time and the assigned vehicle is required to perform critical duties in a manner that is clearly in the best interest of the state.

(c) When the agency clearly demonstrates that it is more practical for the employee to go directly to an alternate work-site rather than report to a specific office to pick-up a state vehicle.

(d) When a vehicle is provided to appointed or elected government officials who are specifically allowed by law to have an assigned vehicle as part of their compensation package.

~~Individuals using this criterion must cite the appropriate section of the Utah Code on the MP-2 form.~~

~~(2) The trip log must be created for the first and last trip of the day for all take-home vehicles. Agencies may use DFO online forms to track the take-home mileage on the first and last trip.~~

R27-3-8. Exemptions from IRS Imputed Daily Fringe Benefits.

(1) In accordance with IRS publication 15-b, employees with an individual permanently assigned vehicle are exempt from the imputed daily fringe benefit for commute use when the permanently assigned vehicles are either:

- (a) Clearly marked police and fire vehicles;
- (b) Unmarked vehicles used by law enforcement officers if the use is specifically authorized;
- (c) An ambulance or hearse used for its specific purpose;
- (d) Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 lbs;
- (e) Delivery trucks with seating for the driver only, or the driver plus a folding jump seat;
- (f) A passenger bus with the capacity of at least 20 passengers used for its specific purpose;
- (g) School buses;
- (h) Tractors and other special purpose farm vehicles;
- (i) A pick up truck with a loaded gross vehicle weight of 14,000 lbs or less, if it has been modified so it is not likely to be used more than minimally for personal purposes.

Example: According to the IRS, a pick up truck qualifies for the exemption if it is clearly marked with permanently affixed decals, special painting, or other advertising associated with your trade, business or function and meets either of the following requirements:

- (i) It is equipped with at least one of the following items:
 - (a) A hydraulic lift gate;
 - (b) Permanent tanks or drums;

(c) Permanent sideboards or panels that materially raise the level of the sides of the truck bed;

(d) Other heavy equipment (such as an electronic generator, welder, boom or crane used to tow automobiles or other vehicles).

(ii) It is used primarily to transfer a particular type of load (other than over public highways) in a construction, manufacturing processing, farming, mining, drilling, timbering or other similar operation for which it is specifically modified.

(j) A van with a loaded gross vehicle weight of 14,000 lbs or less, if it has been specifically modified so it is not likely to be used more than minimally for personal purposes.

Example: According to the IRS, a van qualifies for the exemption if it is clearly marked with permanently affixed decals, special painting or other advertising associated with your trade, business and has a seat for the driver only (or the driver and one other person) and either of the following items:

(i) permanent shelving that fills most of the cargo area; or

(ii) An open cargo area and the van always carries merchandise, material or equipment used in your trade, business or function.

(2) Questions relating to the imputed daily taxable fringe benefit for the use of a state vehicle and exemptions thereto should be directed to DFO.

R27-3-9. Enforcement of Commute Use Standards.

(1) Agencies with drivers who have been granted commute or take home privileges shall establish internal policies to enforce the commute use, take home use and personal use standards established in this rule. Agencies shall not adopt policies that are less stringent than the standards established in these rules.

(2) Commute or take home use that is unauthorized shall result in the suspension or revocation of the commute use privilege by the agency. Additional instances of unauthorized commute or take home use may result in the suspension or revocation of the state driving privilege by the agency.

R27-3-10. Use Requirements for Monthly Lease Vehicles.

(1) Agencies that have requested, and received monthly lease options on state vehicles shall:

(a) Ensure that only authorized drivers whose names and all other information required by R27-3-3(1) have been entered into DFO's fleet information system, completed all the training

and/or safety programs, and met the age restrictions for the type of vehicle being operated, shall operate monthly lease vehicles.

(b) Report the correct odometer reading when refueling the vehicle. In the event that an incorrect odometer reading is reported, agencies shall be assessed a fee whenever the agency fails to correct the mileage within three (3) business days of the agency's receipt of the notification that the incorrect mileage was reported. When circumstances indicate that there was a blatant disregard of the vehicle's actual odometer reading at the time of refueling, a fee shall be assessed to the agency even though the agency corrected the error within three (3) days of the notification.

(c) Return the vehicle in good repair and in clean condition at the completion of the replacement cycle period or when the vehicle has met the applicable mileage criterion for replacement, reassignment or reallocation.

(i) Agencies shall be assessed a detailing fee for vehicles returned that are in need of extensive cleaning.

(ii) Agencies shall pay the insurance deductible associated with repairs made to a vehicle that is damaged when returned.

(d) Return the vehicle unaltered and in conformance with the manufacturer's specifications.

(e) Pay the applicable insurance deductible in the event that monthly lease vehicle in its possession or control is involved in an accident.

(f) Not place advertising or bumper stickers on state vehicles without prior approval of DFO.

(2) The provisions of Rule R27-4-6 shall govern agencies when requesting a monthly lease.

(3) Under no circumstances shall the total number of occupants in a monthly lease full-size 15-passenger van exceed nine (9)(10) individuals, the maximum number recommended by the Division of Risk Management.

R27-3-11. Use Requirements for Daily Motor Pool Vehicles.

(1) DFO offers state vehicles for use on a daily basis at an approved daily rental rate. Drivers of a state vehicle offered through the daily pool shall:

~~(a) Provide DFO with at least 24 hours notice when requesting vehicles such as 15-passenger vans, sports utility vehicles and wheelchair accessible vehicles. Agencies should be aware that while DFO will attempt to accommodate all requests for vehicles, the limited number of vehicles in the daily pool not only requires that reservations be granted on a first come, first served basis,~~

~~but also places DFO in a position of being unable to guarantee vehicle availability in some cases, even where the requesting driver or agency provides at least 24 hours notice.~~

~~(a)(b)~~ Be an authorized driver whose name and all other information required by R27-3-3(1) have been entered into DFO's fleet information system, completed all the training and/or safety programs, and met the age restrictions for the type of vehicle being operated. In the event that any of the information required by R27-3-3(1) has not been entered in DFO's fleet information system, the rental vehicle will not be released.

~~(b)(c)~~ Read the handouts, provided by DFO, containing information regarding the safe and proper operation of the vehicle being leased.

~~(c)(d)~~ Verify the condition of, and acknowledge responsibility for the care of the vehicle prior to rental by filling out the daily motor pool rental ~~out the MP-98~~ form provided by daily rental personnel.

~~(d)(e)~~ Report the correct odometer reading when refueling the vehicle at authorized refueling sites, and when the vehicle is returned. In the event that incorrect odometer reading is reported, agencies shall be assessed a fee whenever the agency fails to correct the mileage within three (3) business days of the agency's receipt of the notification that the incorrect mileage was reported. When circumstances indicate that there was a blatant disregard of the vehicle's actual odometer reading at the time of refueling, a fee shall be assessed to the agency even though the agency corrected the error within three (3) days of the notification.

~~(e)(f)~~ Return vehicles full of fuel with at least 3/4 tank of fuel left. ~~In the event that the vehicle has less than 3/4 of a tank of fuel left, the driver shall, prior to returning the vehicle, refuel the vehicle.~~ Agencies shall be assessed a fee for vehicles that are returned with less than 3/4 of a full tank of fuel.

~~(f)(g)~~ Return rental vehicles in good repair and in clean condition.

(i) Agencies shall be assessed a detailing fee for vehicles returned that are in need of extensive cleaning.

(ii) Agencies shall pay the insurance deductible associated with repairs made to a vehicle that is damaged when returned.

~~(g)(h)~~ Call to extend the reservation in the event that they need to keep rental vehicles longer than scheduled. Agencies shall be assessed a late fee, in addition to applicable daily rental fees, for vehicles that are not returned on time.

~~(h)(i)~~ Use their best efforts to return rented vehicles during regular office hours. Agencies may be assessed a late fee equal to one day's rental for vehicles that are not returned on time.

~~(i)~~^(j) Call the daily pool location ~~where they made reservations~~, at least one hour before the scheduled pick-up time, to cancel the reservation. Agencies shall be assessed a fee for any unused reservation that has not been canceled.

~~(j)~~^(k) Not place advertising or bumper stickers on state vehicles without prior approval from DFO.

(2) The vehicle shall be inspected upon its return. The agency shall either be held responsible for any damages not acknowledged prior to rental, or any applicable insurance deductibles associated with any repairs to the vehicle.

(3) Agencies are responsible for paying all applicable insurance deductibles whenever a vehicle operated by an authorized driver is involved in an accident.

(4) The DFO shall hold items left in daily rental vehicles for ten days. Items not retrieved within the ten-day period shall be turned over to the Surplus Property Office for sale or disposal.

R27-3-12. Daily Motor Pool Sedans, Four Wheel Drive Sport Utility Vehicle (4x4 SUV), Cargo Van, Multi-Passenger Van and Alternative Fuel Vehicle Lease Criteria.

(1) The standard state vehicle is a compact sedan, and shall be the vehicle type most commonly used when conducting state business.

(2) Requests for vehicles other than a compact sedan may be honored in instances where the agency and/or driver is able to identify a specific need.

(a) Requests for a four-wheel drive sport utility vehicle (4x4 SUV) may be granted with written approval from an employee's supervisor.

(b) Requests for a seven-passenger van may be granted in the event that the driver is going to be transporting more than three authorized passengers.

(c) Requests for a ~~fifteen~~ full-size ~~(15)~~ passenger vans ~~van~~ may be granted in the event that the driver is going to be transporting more than six authorized passengers. Under no circumstances shall the total number of occupants exceed the maximum number of passengers recommended by the Division of Risk Management.

(3) Cargo vans shall be used to transport cargo only. Passengers shall not be transported in cargo area of said vehicles.

(4) Non-traditional (alternative) fuel shall be the primary fuel used when driving a bi-fuel or dual-fuel state vehicle. Drivers shall, when practicable, use an alternative fuel when driving a bi-fuel or dual-fuel state vehicle.

R27-3-13. Alcohol and Drugs.

(1) No authorized driver shall operate or be in actual physical control of a State vehicle in violation of subsection 41-6-44(2), any ordinance that complies with the requirements of subsection 41-6-43(1), or subsection 53-3-231.

(2) Any individual on the list of authorized drivers who is convicted of Driving Under the Influence of alcohol or drugs(DUI), Reckless Driving or any felony in which a motor vehicle is used, either on-duty or off-duty, may have his or her state driving privileges withdrawn, suspended or revoked.

(3) No operator of a state vehicle shall transport alcohol or illegal drugs of any type in a State vehicle unless they are:

(a) Sworn peace officers, as defined in Section 53-13-102, in the process of investigating criminal activities;

(b) Employees of the Alcohol Beverage Control Commission conducting business within the guidelines of their daily operations; or

(c) investigators for the Department of Commerce in the process of enforcing the provisions of section 58-37, Utah Controlled Substances Act.

(4) Except as provided in paragraph 3, above, any individual who uses a state vehicle for the transportation of alcohol or drugs may have his or her state driving privileges withdrawn, suspended or revoked.

R27-3-14. Violations of Motor Vehicle Laws.

(1) Authorized drivers shall obey all motor vehicle laws while operating a state vehicle.

(2) Any authorized driver who, while operating a state vehicle, receives a citation for violating a motor vehicle law shall immediately report the receipt of the citation to their respective supervisor. Failure to report the receipt of a citation may result in the withdrawal, suspension or revocation of State driving privileges.

(3) Any driver who receives a citation for violating a motor vehicle law while operating a state vehicle shall attend an additional Risk Management-approved mandatory defensive driver training program. The failure to attend the additional mandatory defensive driver training program shall result in the loss of state driving privileges.

(4) Any driver who receives a citation for a violation of motor vehicle laws, shall be personally responsible for paying fines associated with any and all citations. The failure to pay fines associated with citations for the violation of motor vehicle laws may result in the loss of state driving privileges.

R27-3-15. Seat Restraint Use.

- (1) All operators and passengers in State vehicles shall wear seat belt restraints while in a moving vehicle.
- (2) All children being transported in State vehicles shall be placed in proper safety restraints for their age and size as stated in Subsection 41-6-148(20)(2).

R27-3-16. Driver Training.

- (1) Any individual shall, prior to the use of a state vehicle, complete all training required by DFO or the Division of Risk Management, including, but not limited to, the defensive driver training program offered through the Division of Risk Management.
- (2) Each agency shall coordinate with the Division of Risk Management, specialty training for vehicles known to possess unique safety concerns. ~~like 15 passenger vans and sport utility vehicles.~~
- (3) Each agency shall require that all employees who operate a state vehicle, or their own vehicles, on state business as an essential function of the job, or all other employees who operate vehicles as part of the performance of state business, comply with the requirements of Division of Risk Management rule R37-1-8(5).
- (4) Agencies shall maintain a list of all employees who have completed the training courses required by DFO, Division of Risk Management and their respective agency.
- (5) Employees operating state vehicles must have the correct license required for the vehicle they are operating and any special endorsements required in order to operate specialty vehicles.

R27-3-17. Smoking in State Vehicles.

- (1) All multiple-user state vehicles are designated as "nonsmoking". Agencies shall be assessed fees for any damage incurred as a result of smoking in vehicles.
- (2) Agencies that allow smoking in exclusive use vehicles shall be responsible for the cost of necessary repairs to, or refurbishment of, any vehicle in which smoking has been permitted to insure that the vehicle is suitable for reassignment, reallocation or sale when the vehicle reaches the applicable replacement criteria.



Motor Vehicle Review Committee

State of Utah

Jon M Huntsman, Jr.
Governor

Kimberly Hood
Executive Director
Department of Administrative Services

4120 State Office Building
Salt Lake City, Utah 84114
Phone (801) 538-3014
Fax (801) 538-1773

MEMORANDUM

To: Motor Vehicle Review Committee
From: Sam Lee
Date: June 10, 2008
Subject: **Expanding the study of telematics in state vehicles**

Recommendation:

The Motor Vehicle Review Committee approve the expanded evaluation or pilot of telematics in a formal study with the Department of Transportation. See the details below:

How many new units to be installed?	25
Evaluation Time Period?	1 Year (Fiscal Year 2009) All 25 new units to be installed on UDOT vehicles by July 1, 2008
Will the drivers know of the study?	Yes, all vehicles will be marked as having a telematics device
Data to be reported back to the agency?	Speeds > 20 MPH over the posted limit or more than 90 MPH Suspected personal use of the vehicle Speed and personal use will be reported to the agency as a "Complaint" and will follow the established process already set up for complaints Average idle times for all vehicles Vehicle mileage differences by month (comparing FY 08 to FY09) Vehicle trouble codes (remote diagnostics)
Goals of the evaluation?	Determine if telematics in state vehicles saves money for the state Specifically: Did the average miles/gallon go down (reduced idling and speed) Did the vehicles travel fewer miles? (comparing FY08 to FY09) Did accident costs go down? (comparing FY08 to FY09)

Defining telematics:

The term *telematics* is used in a number of ways:

- The integrated use of telecommunications and informatics, also known as ICT (Information and Communications Technology). More specifically it is the science of sending, receiving and storing information via telecommunication devices.
- More commonly, telematics have been applied specifically to the use of Global Positioning System (GPS) technology integrated with computers and mobile communications technology in automotive navigation systems.
- Most narrowly, the term has evolved to refer to the use of such systems within road vehicles, in which case the term **vehicle telematics** may be used.

Source: “Reference.com”

<http://www.reference.com/search?q=telematics>

Background:

Over the last year the Division of Fleet Operations (DFO) has been evaluating the use of telematics in state vehicles to study and learn how this technology may help the state: save money, reduce our energy consumption, decrease the number of serious injury accidents in state vehicles, and assist state fleet directors in the overall management of state fleet. DFO currently has 25 GPS units installed in state vehicles leased from Fleet Operations.

More specifically, the 25 units installed in state vehicles have helped fleet staff understand:

1. What type of information is available from current telematics vendors
 - a. Mileage updates
 - b. Speed
 - c. Idle time averages
 - d. Vehicle routes (“bread crumb” trail every two minutes)
 - e. Remote diagnostics (trouble indicators like the check engine light)

In the near future telematics vendors may also be able to offer:

 - “Hard Breaking” exception reporting
 - “High RPM” exception reporting
 - Seat belt use reporting

These three data points combined with speed exception reporting, give fleet managers solid information to identify aggressive drivers
2. How to pull the exception report data from the vendor
3. How customers perceive the use of GPS technology
4. Installation time and cost
5. Potential failure rates with the installed GPS hardware
6. The upfront and ongoing costs of the technology (hardware and monthly cell fees)

Now that DFO has had an initial experience with telematics, fleet staff would like to conduct a more formal study to assist fleet directors in the decision to implement telematics in the majority of fleet leased vehicles.



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From: Sam Lee
Date: June 10, 2008
Subject: **Driver Eligibility Update – Proposed Changes to Administrative Rule R27-7**

Recommendation:

The Motor Vehicle Review Committee approve the changes to Administrative Rule R27-7 as presented.

The Motor Vehicle Review Committee request to review all Risk Management Rules related to Driver Eligibility at the next meeting set for September 10, 2008.

Background:

Please see a revised version of Administrative Rule R27-7 attached to this memo. There are substantial changes to the rule based on the presentation by Fleet Operations and Risk Management staff to the Motor Vehicle Review Committee at the last meeting held March 10, 2008. The revised rule is an attempt to raise the minimum requirements to operate a state vehicle and clarify the confusion between the Risk Management and Fleet rules in relation to driver eligibility standards, review of accidents, violation of motor vehicle laws, and misuse of a state vehicle.

In summary, the language changes proposed in the revised rule:

1. Create a new “Driver Eligibility Board” and removes the “Driver Privilege Review Board”
2. Tell how motor vehicle violations will be consider by the new board
3. Clarify how preventable accidents will be considered by the new board
4. Clarify how complaints will be considered by the new board
5. Tell how Utah Driver’s license points will be considered by the new board
6. Clarify which type of motor vehicle laws will trigger a review by the new board
7. Tell how accidents will be reviewed if the agency accident review committee misses a deadline established in the revised rule.

Attachments

R27-7-1. Authority.

(1) This rule is established pursuant to Subsection 63A-9-401(1)(d)(e)(iii) which requires the Division of Fleet Operations (DFO) to make rules establishing requirements for fleet safety and loss prevention programs.

R27-7-2. Accident Reporting and Liability.

(1) In the event of an accident involving a state vehicle, either the driver of the vehicle or the employing agency shall notify DFO, the Division of Risk Management, and the agency's management, within 24 hours of the occurrence of the accident. ~~DFO, Risk Management and the agency's management.~~

R27-7-3. Driver Eligibility Loss of Authority to Operate a State Vehicle.

(1) The authority to operate a state vehicle is subject to withdrawal, suspension or revocation.

(2) The authority to operate a state vehicle shall be automatically withdrawn, suspended or revoked in the event that an authorized driver's license is not in a valid status ~~denied, cancelled, disqualified, suspended or revoked.~~

(a) The authority to operate a state vehicle shall, at a minimum, be withdrawn, suspended or revoked for the period of denial, cancellation, disqualification, suspension or revocation of the authorized driver's license.

(b) The authority to operate a state vehicle shall not be reinstated until such time as the individual provides proof that their driver license has been reinstated or DFO verifies the license has been reinstated.

~~(c) The employing agency may petition the Driving Privilege Review Board (DPRB) to extend the period for which the authority to operate a state vehicle is withdrawn, suspended or revoked beyond the period for which the authorized driver's license is denied, cancelled, disqualified, suspended or revoked.~~

~~(d) The DPRB may extend the period for which the authority to operate a state vehicle is withdrawn, suspended or revoked, beyond the period for which the driver's license is denied, cancelled, disqualified, suspended, if the evidence regarding the circumstances surrounding the denial, cancellation, disqualification, suspension or revocation of the authorized driver's license and driving history indicates that it is in the best interest of the state to extend the period for which the authority to operate a state vehicle is withdrawn, suspended or revoked.~~

(3) The authority to operate a state vehicle ~~may shall~~ be suspended or revoked for up to three years by the Driver Eligibility Board for any of the following ~~reasons~~ grounds:

(a) The authorized driver, while acting within the scope of employment, has been involved in 3 or more preventable accidents during a three (3) five (5) year period; or

(b) The authorized driver, ~~while acting within the scope of employment,~~ has 4 or more moving violations within a 12 month period; 5 or more citations for violating motor vehicle laws during a five (5) year period; or

(c) The authorized driver, has been convicted of any of the following motor vehicle laws:

(i) Driving while impaired under the influence of alcohol, controlled, or illegal substance; or

(ii) Refusal to take a test required by an "implied consent" law; or

(iii) Violation of an "open container" statute; or

(iv) Violations related to a fatal accident; or

(v) Driving while under a "suspension" or "revocation" status; or

(vi) Leaving the scene of an accident; or

(vii) Violations related to "speed exhibition," "contest," or "drag racing;" or

(viii) Fleeing or eluding a police officer; or

(d) The authorized driver, has 150 or more points on his or her Utah driver's license record; or

(e) ~~(e)~~ for the unauthorized use, misuse, abuse or neglect of a state vehicle;
or

(f) ~~(d)~~ On the basis of citizen complaints validated by the agency, the authorized driver, while acting within the scope of employment has been found, pursuant to 63A-9-501, to have misused or illegally operated a vehicle three (3) times during a three (3) year period.

~~(4) The employing agency shall impose a period for which the authority to operate a state vehicle will be withdrawn, suspended or revoked under the circumstances described in R27-7-3(3)(a), (b) or (c), on the basis of an investigation of the circumstances surrounding each accident and the authorized driver's driving history.~~

~~(5)~~ (4) The withdrawal of authority to operate a state vehicle imposed by the Driver Eligibility Board shall be in addition to agency-imposed discipline, corrective or remedial action, if any.

~~(6) The authorized driver petition the DPRB to review the withdrawal, suspension or revocation of the authority to operate a state vehicle imposed by the employing agency pursuant to R 27-7-3(3) and (4).~~

~~(7) Any determination made by the employing agency with regard to the withdrawal, suspension or revocation of the authority to operate a state vehicle, pursuant to R27-7-3(3) and (4) shall remain in effect until such time as a review by the DPRB can be conducted, and a decision rendered.~~

(5) Drivers declared ineligible to operate a state vehicle by the Driver Eligibility Board may appeal to the Director of the Department of Administrative Services (DAS) or his/her designee. Any appeal to the Director of DAS or his/her designee must be made in writing within 30 days from the date the Driver Eligibility Board declared a state driver ineligible to operate a vehicle.

R27-7-4. Accident Review Committee (ARC).

(1) Each agency leasing vehicles from the Division of Fleet Operations shall establish and maintain an Accident Review Committee (ARC). Each agency ARC shall conduct at least quarterly reviews of all accidents ~~or complaints~~ involving state vehicles under the possession or control of their respective agencies.

(2) The purpose of the ARC is to reduce the number of accidents ~~and complaints~~ involving drivers of vehicles being used in the course of conducting state business.

(3) After DFO has made an initial determination regarding the status of an accident the agency ARC shall determine, through a review process, whether an accident was either preventable or non-preventable using standards published established by the National Safety Council.

(4) Each agency ARC shall, within one (1) calendar month following the last day of the quarter (March, June, September, December), five (5) business days of reviewing an accident, provide to DFO, in writing, its determination and recommended actions, if any, as well as all evidence used to arrive at its determination as to whether the accident was preventable or non-preventable

(5) If an agency ARC does not send the quarterly accident reviews as specified in R27-7-4(4), the status of the accidents will be reviewed by the Driver Eligibility Board on behalf of the agency ARC. The Driver Eligibility Board's decision about the status any vehicle accident will be final. The Driver

Eligibility Board may recommend disciplinary actions for agency drivers to the agency when it is acting on behalf of the agency ARC.

R27-7-5. Accident Review Committee Guidelines.

(1) The ARC shall have no less than three (3) voting members. The members shall be from different areas in the agency.

(2) An accident shall be classified as preventable if any of the following factors are involved:

- (a) Driving too fast for conditions;
- (b) Failure to observe clearance;
- (c) Failure to yield;
- (d) Failure to properly lock the vehicle;
- (e) Following too closely;
- (f) Improper care of the vehicle;
- (g) Improper backing;
- (h) Improper parking;
- (i) Improper turn or lane change;
- (j) Reckless Driving as defined in Utah Code 41-6-45;
- (k) Unsafe driving practices, including but not limited to: the use of electronic equipment or cellular phone while driving, smoking while driving, personal grooming, u-turn, driving with an animal(s) loose in the vehicle.

(3) An accident shall be classified as non-preventable when:

- (a) The state vehicle is struck while properly parked;
- (b) The state vehicle is vandalized while parked at an authorized location;
- (c) The state vehicle is an emergency vehicle, and
 - (i) At the time of the accident the operator was in the line of duty and operating the vehicle in accordance with their respective agency's applicable policies, guidelines or regulations; and
 - (ii) Damage to the vehicle occurred during the chase or apprehension of people engaged in or potentially engaged in unlawful activities; or

(iii) Damage to the vehicle occurred in the course of responding to an emergency in order to save or protect the lives, property, health, welfare and safety of the public.

~~(4) The ARC shall notify DFO of their findings, as to whether the accident in question was preventable or non-preventable, regarding each accident case reviewed.~~

R27-7-6. Effects of ARC Accident Classification.

(1) In the event that an accident is determined by the ARC to be preventable, the ARC shall impose and enforce the following:

(a) The authorized driver shall be required to attend a Division of Risk Management approved driver safety program after being involved in the first preventable accident;

(b) The driver shall be required to attend, at their own expense, a state certified or nationally recognized defensive driving course after being involved in a second preventable accident;

~~(c) The driver may have his or her authority to operate a state vehicle suspended or revoked, if he or she is involved in a third preventable accident within five calendar years of being involved in the first preventable accident.~~

~~(3) An employee whose authority to operate a state vehicle has been suspended or revoked pursuant to R27-7-3(3) and (4), may petition the DPRB for a review of the agency ARC's determination. The suspension of state driving privileges shall continue until such time as a formal hearing before the DPRB can be held, and a decision rendered. The provisions of the DPRB's decision, including the revocation of the driver's authority to drive a vehicle in the conduct of state business, will govern from that time forward.~~

R27-7-7. Driver Eligibility Driving Privilege Review Board (DEB).

(1) ~~The Driving Privilege Review Board (DPRB)~~ Driver Eligibility Board shall have at least no more than 3 voting members. Members of the Board shall include a representative from the Division of Risk Management, the Division of Fleet Operations, and the Department of Human Resource Management. The Department of Administrative Services, the Division of Risk Management and the agency whose employee is the subject matter of the case pending before the DPRB shall each have a voting member. Each member of the Board will be assigned by the Director of the Department of Administrative Services.

(2) The Driver Eligibility Board shall meet at least quarterly.

(3) The employing agency supervisor and the state driver being reviewed shall be notified of the Driver Eligibility Board's meeting place, date and time.

Each state employee reviewed by the Driver Eligibility Board will be given the opportunity to speak to the Board and/or answer questions during the meeting if he or she chooses to attend the Board meeting.

~~(2) Agency actions that involve the withdrawal, suspension or revocation of the authority to operate a state vehicle are subject to review by the DPRB.~~

~~(3) The DPRB shall, upon receipt of the petition for review from the authorized driver, pursuant to R27-7-6(3), schedule a review and render a decision on whether to uphold the agency's decision regarding the withdrawal, suspension or revocation of the authority to operate a state vehicle, or impose a different penalty.~~

~~(4) The DPRB shall, upon receipt of an employing agency's petition, pursuant to R27-7-3(2)(c), schedule a review and render a decision on whether to extend the period for which the authority to operate a state vehicle is withdrawn, beyond the period for which the authorized driver's license is denied, cancelled, disqualified, suspended or revoked.~~

~~(5) The employing agency, and the authorized driver shall be notified of the hearing date, the reason for the hearing, the substance of the charges, as well as their respective right to respond to the petition, rebut the evidence presented and present evidence in their respective behalf at the hearing.~~

~~(6) The DPRB shall render a decision that will be forwarded to the agency for enforcement. In making its decision, the DPRB may consider factors, including but not limited to, the severity of injuries, the extent of damages, the authorized driver's culpability and willfulness.~~

~~(7) (4) The Driver Eligibility Board DPRB may impose an ineligible status from a single day up to three years a range of penalties from no action to a withdrawal, suspension or revocation of the authority to operate a state vehicle for an indefinite period. In no case shall the ineligible status withdrawal, suspension or revocation of the authority to operate a state vehicle be less than the period of withdrawal, suspension or revocation of the privilege to drive imposed by the courts or the employing agency.~~

~~(8) An employee whose authority to operate a state vehicle has been withdrawn, suspended or revoked may petition the DPRB for reinstatement of the authority on the basis of changed circumstances. The employee shall provide proof of the change in circumstances that would justify the reinstatement of authority.~~